

REMARKS

The Examiner's attention to the present application is noted with appreciation.

In the second paragraph of page 2 of the Office Action dated August 11, 2004, the Examiner objected to the drawings stating that the character numeral 2' in Figure 5 is not mentioned in the description. Applicant notes that reference number 2' is mentioned on page 5, line 7 of the description.

In the first paragraph of page 3, the Examiner rejected claim 4 under 35 U.S.C. § 112, first paragraph, for lack of enablement. Applicant has amended claim 4 to clarify that the thickening that is provided, as recited in line 7 of claim 1, may comprise a spring element.

In the third paragraph of page 3, the Examiner rejected claims 1-8 under 35 U.S.C. § 112, second paragraph, for indefiniteness. Specifically, the Examiner stated that in claim 1, the term "its" is indefinite. Applicant has amended claim 1 to replace the wording "its surface" with "a surface thereof". The Examiner also stated that, in claim 8, there is insufficient antecedent basis for the limitation "the one of the parallel elements which is positioned outwardly". Applicant has amended claim 8 to substitute that last clause with the wording "one of the first or second parallel elements is positioned outwardly and has a free end which is bent away from the third element."

In the second paragraph of page 4, the Examiner rejected claims 1-8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,493,503 (to Renne) in view of U.S. Patent No. 4,563,796 (to Kettlestrings). That rejection is traversed. The Examiner states that Renne does not teach a thickening on one of the parallel elements, but that Kettlestrings, at Figure 2, teaches that element (32) is such a thickening element on element (22). Applicant disagrees that element (32) is analogous to the thickening 4 of the present invention and that there would be no motivation to combine Renne and Kettlestrings.

Applicant notes first that Kettlestrings does not teach parallel elements analogous to elements 2 and 3 of the present invention. Instead, Kettlestrings teaches that element (22) is oriented at an angle from element (28) so that the respective ends of the first and second elements clamp down on an object at two separate places. This clamping action is described, for example, in claim 1 of Kettlestrings (See Kettlestrings at column 4, lines 40-41, "whereby, gripping action is provided between said first and second legs at two separate places"). To provide the clamping/gripping action, the end of the first element cannot

be placed at a short distance from a top rim of the device, contrary to what is taught (and claimed), by the present invention. Placing the top end of the first element of Kettlestring at a short distance from a top rim would make such a clamping action very difficult or inefficient, and might possibly not allow such a clamping action. Therefore, combining Kettlestrings and Renne would not lead to the present invention.

Moreover, the “lip” (32) which the Examiner erroneously analogizes to the thickening 4 of the present invention is designed by Kettlestring to “engage the second leg” (See Kettlestrings, column 2, lines 27-28; claim 1 at column 4, line 35-37) because, the first leg having angled away from the second leg, the “lip” on the first leg is required to bridge the space created by the direction the first leg takes as it angles away from the second leg. In effect, the “lip” of Kettlestrings is designed to overcome a specific problem (the angling away of the first leg and concomitant increasing distance between the end of the first leg from the second leg) that arises from the design of the Kettlestring device. That problem does not arise in the design of Renne. Because Renne does not require a “lip”, there would be no motivation to modify Renne by incorporating the “lip” of Kettlestrings – even assuming (an assumption Applicant does not make), that the “lip” of Kettlestrings is analogous to the thickening or spring element of the present invention. Such a motivation to make the combination, which is absent here, is required for a *prima facie* case of obviousness.

Finally, the “lip” of Kettlestrings, teaches away from the bending outwardly of the free end of element 3 of the present invention. Such outward bending conflicts with the inwardly bending “lip” of Kettlestrings.

Accordingly claim 1 is patentable. Claims 2-8 are dependent on claim 1 and therefore also are patentable.


In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned

attorney for Applicant at the telephone number listed below.

Respectfully submitted,

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